

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE EDWARD ANDREWS GROUP, INC., :
Plaintiff, : 07 Civ. 4607
-against- : (LTS) (AJP)
ADDRESSING SERVICES COMPANY, INC., :
Defendant. :
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January 23, 2008

10:04 a.m.

Deposition of **MICHAEL RITTLINGER**, taken by Plaintiff, pursuant to Order, held at the offices of Robinson Brog Leinwand Greene Genovese & Gluck, P.C., 1345 Avenue of the Americas, New York, New York, before Amy A. Rivera, a Certified Shorthand Reporter and Notary Public within and for the State of New York.

1 M. Rittlinger

2 been -- it could have been Charlie Alfano. I'm
3 seeing Jeff Schwartz -- I don't know. I'm not
4 sure who produced these.

5 Q. You say you notice Jeff Schwartz, who
6 was the notary on at least one of these releases,
7 is that correct?

8 A. Yep.

9 Q. Who is Jeff Schwartz, to your
10 knowledge?

11 A. He was the lawyer representing Jeff
12 Klein.

13 Q. Were you present when any of these
14 releases was executed?

15 A. I don't remember.

16 Q. Do you recall if there was a meeting
17 to get things done so that you could move
18 forward, part of which involved signing releases?

19 A. I don't -- I don't think there was a
20 meeting face to face. There was certainly
21 telephone conversations and, you know, I, you
22 know, clearly remember Jeff Klein would not and
23 Tim Brog would not move ahead unless releases
24 were signed. You know, again, this had to be
25 done, you know, for the deal to move forward, the

1 M. Rittlinger

2 releases; yeah.

3 Q. To your knowledge, did the Edward
4 Andrews Group threaten legal action against Jeff
5 Klein?

6 A. They did.

7 Q. To your knowledge, did the Edward
8 Andrews Group threaten litigation against anyone
9 else?

10 A. Tim basically was going to sue
11 everyone and -- and we were at a standstill for
12 weeks, maybe months. And again, Jeff -- Jeff
13 wasn't going to move ahead unless every party was
14 release protected and that included himself, his
15 father, Burke, Welti, ASCO, Tim. Everyone was --
16 everyone had to be released. That was it. There
17 was no ands, ifs, or buts about it. The guy
18 wasn't going to move ahead unless everyone was
19 protected.

20 Q. And by "protected" in that answer, you
21 mean that everyone received a copy of a release,
22 releasing everybody, is that correct?

23 A. Everyone there should have had a copy
24 of releases from Tim Brog, from ASCO, from Jeff
25 Klein, Steve Welti, Jeff Burke and Dave Klein.

1 M. Rittlinger

2 Otherwise it wasn't going -- moving ahead.

3 Q. And does Rittlinger Exhibit 2 contain
4 all of the releases necessary for the deal to
5 move ahead?

6 A. Could I talk out loud? Okay, I won't.

7 MR. FISHER: If there's something you
8 don't understand, you can certainly explain
9 what it is that you're struggling with.

10 A. This is Jeff Klein, Dave Klein, Burke,
11 Welti. There should be Mike Rittlinger or ASCO.
12 I think this is all of them except for me. But
13 this would be all of them for Welti, Burke and
14 Brog and Klein.

15 MR. FISHER: Mr. Burger, may I ask
16 Mr. Rittlinger to leave the room for a
17 moment so that I may say something on the
18 record? I don't want it to influence his
19 testimony in any way, which is why I prefer
20 for him to leave the room.

21 MR. BURGER: Well, at the next break,
22 you can make any statement that you want on
23 the record, and we'll do that.

24 MR. FISHER: Okay.

25 Q. Do you recall ever signing a release

1 M. Rittlinger

2 in early 2004 on behalf of ASCO?

3 A. I had to.

4 Q. I'm not asking you to assume what must
5 have been the case based on your general
6 understanding. I'm asking if, and I understand
7 it was several years ago, but I'm asking if as
8 you sit here today, do you recall ever signing a
9 release on behalf of ASCO?

10 A. I had to. I can't say that I recall
11 -- I can't say that I remember, but I had to.

12 Q. Now, in January 2004 -- we're done
13 with the releases for a moment -- in January
14 2004, did you enter into -- did ASCO enter into
15 any other written agreements with the Edward
16 Andrews Group?

17 A. We had the consulting agreement and we
18 also had the investment broker -- whatever,
19 investment broker agreement.

20 Q. Referring to what was previously
21 marked in this litigation as Brog Exhibit 15, is
22 that a copy of your agreement that you just
23 referred to?

24 A. Yeah.

25 Q. And does your signature appear on the